

THE HONORABLE MARSHA J. PECHMAN

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

S.D.S. LUMBER CO.,

Petitioner,

v.

KEVIN GREGORY and JACOB GREGORY,

Claimants.

IN ADMIRALTY

NO. 3:20-cv-05767-MJP

STIPULATED MOTION AND  
[PROPOSED] ORDER EXTENDING  
DISCOVERY DEADLINE AND  
SETTING MOTION SCHEDULE

**NOTE ON MOTION CALENDAR:  
AUGUST 11, 2021**

Pursuant to LCR 7(g) and 7(k), Petitioner SDS Lumber Co., by and through its counsel of record, moves this Court to extend the discovery deadline to allow the completion of the depositions of Claimants Kevin Gregory and Jacob Gregory, scheduled to take place on August 25, 2021. SDS Lumber also moves this Court to set an agreed remaining briefing and noting schedule for SDS Lumber's Motion to Strike or Disregard Claimants' Response to Motion (Dkt. No. 72) and for Claimants' Combined Opposition to Motion and Cross Motion (Dkt. No. 76). Claimants, by and through their counsel of record, stipulate to this motion.

**1. Motion to Extend Discovery Deadline**

SDS Lumber took the Claimants' depositions on June 30, 2021, prior to discovery cutoff on July 9, 2021, but did not complete the depositions concerning questions on Claimants' medical care and treatment to which counsel for Claimants objected. During the

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depositions, counsel for the parties agreed that the questions concerning medical care and treatment would be reserved and the depositions would be completed at a later time in the event the Court granted SDS Lumber's then-pending motion to compel. On July 12, 2021, this Court issued its order granting SDS Lumber's motion to compel (Dkt. No. 69). The parties have now agreed to complete the depositions.

Good cause exists to extend the discovery deadline to allow completion of the Claimants' depositions. Extension of the discovery deadline is requested solely to complete the depositions of Claimants concerning, and limited to, their medical care and treatment, which the Court has determined is discoverable and is relevant to their claims of damages.

Therefore, the parties respectfully request this Court extend the discovery deadline to August 25, 2021 to allow the completion of the Claimants' depositions.

## **2. Motion to Set Briefing and Noting Schedule**

On August 5, 2021, SDS Lumber filed and served its Motion to Strike or Disregard Claimants' Response to Motion Per Fed. R. Civ. P. 56(d), Supporting Declaration and Exhibit, noted for consideration on August 20, 2021 (Dkt. No. 72). On August 9, Claimants filed and served their Combined Opposition to Limitation Plaintiff's Motion to Strike Claimants' Rule 56(d) Submission and Claimants' Cross Motion Requesting the Court to Review Frank Cornelison, Jr.'s Deposition in Connection with Limitation Plaintiff's Motion for Partial Summary Judgment, noted for consideration on August 27, 2021 (Dkt. No. 76). The parties agree to the following remaining briefing and noting schedule on the two cross motions:

August 16, 2021:	SDS Lumber's combined reply on Motion to Strike or Disregard (Dkt. No. 72) and Response to Claimants' Cross Motion (Dkt. No. 76)
August 27, 2021:	Claimants' reply on Cross Motion (Dkt. No. 76)
August 27, 2021:	SDS Lumber's Motion to Strike or Disregard Re-Noted for Consideration, and Claimants' Cross Motion, original noting date retained

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1 Dated this 11th day of August, 2021.

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24 **ORDER**

25 It is so ordered.

26 

Marsha J. Pechman

United States Senior District Judge

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